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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,759	06/23/2006	Theodorus Franciscus Overes	NLO40041	1208
24737 7590 10/08/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER SPINELLA, KEVIN				
ART UNIT 2885		PAPER NUMBER		
MAIL DATE 10/08/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,759

Applicant(s)

OVERES ET AL.

Examiner

KEVIN SPINELLA

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed 7/27/2009 has been entered. Currently, Claims 1-14 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-7, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Egawa (US Publication No.: 2002/0041500 A1, hereafter Egawa).

In regard to Claims 1, 3, 6, 10, and 12, Egawa discloses a display apparatus (paragraph 2, lines 3-4: "liquid crystal display device") with a display unit (i.e. operationally required), having means for background lighting (Title, Figure 3) at a side or the back (i.e. operationally required) of the display apparatus (paragraph 2, lines 3-4: "liquid crystal display device") to produce a back light pattern (i.e. operationally required), characterized in that the means for background lighting (Title, Figure 3) comprise two (Figure 3) illumination units 7 (paragraph 31, line 10) being provided at the right-hand (Figure 3) and left-hand (Figure 3) of the display apparatus (paragraph 2, lines 3-4: "liquid crystal display device"), said illumination units 7 (paragraph 31, line 10)

being formed as substantially vertically positioned (Figure 3), longitudinal (Figure 3) light guides (paragraph 31, line 10) comprising means for coupling out light 11 (paragraph 31, lines 4-7), each of the light guides (paragraph 31, line 10) being provided on both of its ends (Figure 3) with a light source 9 (paragraph 36, line 3), further characterized in that the light guides (paragraph 31, line 10) are rotatable along a longitudinal axis (Figure 3, i.e. light guides 7 can each be rotated 180 degrees about a central device longitudinal axis, i.e. light guides 7 can each be switched) to thereby allow adjustment of the back light pattern (i.e. since no two light guides 7 are created/molded exactly perfectly identical, it follows that by switching the light guides 7 there will be some resulting adjustment in the back light pattern, even if said adjustment is in fact very small or miniscule); further characterized in that the means for background lighting (Title, Figure 3) produces a back light pattern (i.e. operationally required) on a wall (i.e. "wall" constitutes the necessary liquid crystal display member).

Further, regarding the claims recitation that the instant invention allows "adjustment of the backlight pattern," the applicant is advised that, while the features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 44 USPQ2d 1429. In addition, it has been held by the courts that apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 15 USPQ2d 1525 (Fed. Cir. 1990). In this case, the published apparatus of Egawa discloses (as detailed above) all the structural limitations

required to perform the recited functional language, and therefore is considered to anticipate the display apparatus.

In regard to Claims 2, 7, and 11, Egawa discloses the means for coupling out light 11 (paragraph 31, lines 4-7) are formed as a structure (Figure 3) provided on the surface (Figure 3) of the light guide (paragraph 31, line 10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5, 8-9, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egawa in view of Hoelen et al. (US Publication No.: 2001/0035853 A1, hereafter Hoelen).

Egawa discloses light guides 7 are provided on both ends (Figure 3) with a light source 9.

Egawa lacks means for controlling the colour of the backlight; said light source comprising a red, a green and a blue LED; and the display apparatus comprises a control circuit for controlling the colour of each of the light sources in dependence of colour of a part of the display screen which is close to the light source.

Hoelen teaches means for controlling the colour of the backlight (Abstract, lines 16-20; paragraph 54); said light source 16, 16', 16" comprising a red, a green and a blue LED (paragraph 40); and the display apparatus (Title) comprises a control circuit 8 (paragraph 39, lines 3-4) for controlling the colour (paragraph 45) of each of the light sources 16, 16', 16" in dependence of colour of a part of the display screen which is close to the light source (Abstract, lines 16-20; paragraph 54). Hoelen also teaches an optimum contrast to be obtained for the image to be displayed by the display device (Abstract, lines 18-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the control circuit and red, green, and blue LEDs of the LCD display apparatus of Hoelen in combination with the LCD spread illuminating apparatus of Egawa in order to allow for optimum contrast to be obtained for the image to be displayed by the display of the LCD spread illuminating apparatus.

Response to Arguments

6. Applicant's arguments filed 7/27/2009 in pages 6-9 of the Remarks section have been fully considered but they are not persuasive.
7. In response to applicant's argument that Egawa does not disclose "each of the light guides being provided on both of its ends with a light source," the examiner disagrees and notes that this assertion is patently false. As clearly shown in Figure 3 of Egawa, each light guide 7 has a LED 9 provided on both of its ends. Thus, the applicant's argument is in error.

8. In response to applicant's argument that Egawa does not disclose the light guides are rotatable "to allow adjustment of the backlight pattern," the examiner disagrees and notes that since no two light guides 7 are created/molded exactly perfectly identical, it follows that by switching the light guides 7 there will be some resulting adjustment in the back light pattern, even if said adjustment is in fact very small or miniscule. Further, regarding the claims recitation that the instant invention allows "adjustment of the backlight pattern," the applicant is advised that, while the features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. *In re Schreiber*, 44 USPQ2d 1429. In addition, it has been held by the courts that apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 15 USPQ2d 1525 (Fed. Cir. 1990). In this case, the published apparatus of Egawa discloses (as detailed above) all the structural limitations required to perform the recited functional language, and therefore is considered to anticipate the display apparatus.

9. In response to applicant's argument that Egawa does not disclose "a back light pattern on a wall," the examiner disagrees and notes that each and every limitation is afforded its broadest possible interpretation. The examiner notes that term "wall" is vague, and that a wall is defined as the outermost film or layer of a structural material protecting, surrounding, and defining the physical limits of an object (i.e. think blood cell wall). Accordingly, a liquid crystal display member can constitute a "wall." Therefore,

as a back light pattern impinges upon a liquid crystal display, the applicant's argument is in error.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KEVIN SPINELLA** whose telephone number is (571) 270-1284. The examiner can normally be reached on Monday - Friday, from 7:30 a.m. to 5:00 p.m. EST.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KJS
10/1/2009

/Jong-Suk (James) Lee/
Supervisory Patent Examiner, Art Unit 2885